

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK

4 -----)
5 VICTORIA MALONE,

6 Plaintiff,

7 vs.

8 TOWN OF CLARKSTOWN, WAYNE BALLARD in his
9 personal and official capacity as
10 Clarkstown Highway Superintendent; FRANK
11 DIZENZO, in his personal and official
12 capacity as Clarkstown Highway
13 Superintendent; ANDREW LAWRENCE, in his
14 personal and official capacity; DAVID
15 SALVO, in his personal and official
16 capacity; ROBERT KLEIN, in his personal
17 and official capacity; TUCKER CONNINGTON,
18 in his personal and official capacity; and
19 BRIAN LILLO, in his personal and official
20 capacity,

21 Defendants.
22 -----)

23 REMOTE DEPOSITION OF DENNY FRISCOE

24 New York, New York

25 November 17, 2020

26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575
576
577
578
579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645
646
647
648
649
650
651
652
653
654
655
656
657
658
659
660
661
662
663
664
665
666
667
668
669
670
671
672
673
674
675
676
677
678
679
680
681
682
683
684
685
686
687
688
689
690
691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706
707
708
709
710
711
712
713
714
715
716
717
718
719
720
721
722
723
724
725
726
727
728
729
730
731
732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
770
771
772
773
774
775
776
777
778
779
780
781
782
783
784
785
786
787
788
789
790
791
792
793
794
795
796
797
798
799
800
801
802
803
804
805
806
807
808
809
810
811
812
813
814
815
816
817
818
819
820
821
822
823
824
825
826
827
828
829
830
831
832
833
834
835
836
837
838
839
840
841
842
843
844
845
846
847
848
849
850
851
852
853
854
855
856
857
858
859
860
861
862
863
864
865
866
867
868
869
870
871
872
873
874
875
876
877
878
879
880
881
882
883
884
885
886
887
888
889
890
891
892
893
894
895
896
897
898
899
900
901
902
903
904
905
906
907
908
909
910
911
912
913
914
915
916
917
918
919
920
921
922
923
924
925
926
927
928
929
930
931
932
933
934
935
936
937
938
939
940
941
942
943
944
945
946
947
948
949
950
951
952
953
954
955
956
957
958
959
960
961
962
963
964
965
966
967
968
969
970
971
972
973
974
975
976
977
978
979
980
981
982
983
984
985
986
987
988
989
990
991
992
993
994
995
996
997
998
999
1000
1001
1002
1003
1004
1005
1006
1007
1008
1009
1010
1011
1012
1013
1014
1015
1016
1017
1018
1019
1020
1021
1022
1023
1024
1025
1026
1027
1028
1029
1030
1031
1032
1033
1034
1035
1036
1037
1038
1039
1040
1041
1042
1043
1044
1045
1046
1047
1048
1049
1050
1051
1052
1053
1054
1055
1056
1057
1058
1059
1060
1061
1062
1063
1064
1065
1066
1067
1068
1069
1070
1071
1072
1073
1074
1075
1076
1077
1078
1079
1080
1081
1082
1083
1084
1085
1086
1087
1088
1089
1090
1091
1092
1093
1094
1095
1096
1097
1098
1099
1100
1101
1102
1103
1104
1105
1106
1107
1108
1109
1110
1111
1112
1113
1114
1115
1116
1117
1118
1119
1120
1121
1122
1123
1124
1125
1126
1127
1128
1129
1130
1131
1132
1133
1134
1135
1136
1137
1138
1139
1140
1141
1142
1143
1144
1145
1146
1147
1148
1149
1150
1151
1152
1153
1154
1155
1156
1157
1158
1159
1160
1161
1162
1163
1164
1165
1166
1167
1168
1169
1170
1171
1172
1173
1174
1175
1176
1177
1178
1179
1180
1181
1182
1183
1184
1185
1186
1187
1188
1189
1190
1191
1192
1193
1194
1195
1196
1197
1198
1199
1200
1201
1202
1203
1204
1205
1206
1207
1208
1209
1210
1211
1212
1213
1214
1215
1216
1217
1218
1219
1220
1221
1222
1223
1224
1225
1226
1227
1228
1229
1230
1231
1232
1233
1234
1235
1236
1237
1238
1239
1240
1241
1242
1243
1244
1245
1246
1247
1248
1249
1250
1251
1252
1253
1254
1255
1256
1257
1258
1259
1260
1261
1262
1263
1264
1265
1266
1267
1268
1269
1270
1271
1272
1273
1274
1275
1276
1277
1278
1279
1280
1281
1282
1283
1284
1285
1286
1287
1288
1289
1290
1291
1292
1293
1294
1295
1296
1297
1298
1299
1300
1301
1302
1303
1304
1305
1306
1307
1308
1309
1310
1311
1312
1313
1314
1315
1316
1317
1318
1319
1320
1321
1322
1323
1324
1325
1326
1327
1328
1329
1330
1331
1332
1333
1334
1335
1336
1337
1338
1339
1340
1341
1342
1343
1344
1345
1346
1347
1348
1349
1350
1351
1352
1353
1354
1355
1356
1357
1358
1359
1360
1361
1362
1363
1364
1365
1366
1367
1368
1369
1370
1371
1372
1373
1374
1375
1376
1377
1378
1379
1380
1381
1382
1383
1384
1385
1386
1387
1388
1389
1390
1391
1392
1393
1394
1395
1396
1397
1398
1399
1400
1401
1402
1403
1404
1405
1406
1407
1408
1409
1410
1411
1412
1413
1414
1415
1416
1417
1418
1419
1420
1421
1422
1423
1424
1425
1426
1427
1428
1429
1430
1431
1432
1433
1434
1435
1436
1437
1438
1439
1440
1441
1442
1443
1444
1445
1446
1447
1448
1449
1450
1451
1452
1453
1454
1455
1456
1457
1458
1459
1460
1461
1462
1463
1464
1465
1466
1467
1468
1469
1470
1471
1472
1473
1474
1475
1476
1477
1478
1479
1480
1481
1482
1483
1484
1485
1486
1487
1488
1489
1490
1491
1492
1493
1494
1495
1496
1497
1498
1499
1500
1501
1502
1503
1504
1505
1506
1507
1508
1509
1510
1511
1512
1513
1514
1515
1516
1517
1518
1519
1520
1521
1522
1523
1524
1525
1526
1527
1528
1529
1530
1531
1532
1533
1534
1535
1536
1537
1538
1539
1540
1541
1542
1543
1544
1545
1546
1547
1548
1549
1550
1551
1552
1553
1554
1555
1556
1557
1558
1559
1560
1561
1562
1563
1564
1565
1566
1567
1568
1569
1570
1571
1572
1573
1574
1575
1576
1577
1578
1579
1580
1581
1582
1583
1584
1585
1586
1587
1588
1589
1590
1591
1592
1593
1594
1595
1596
1597
1598
1599
1600
1601
1602
1603
1604
1605
1606
1607
1608
1609
1610
1611
1612
1613
1614
1615
1616
1617
1618
1619
1620
1621
1622
1623
1624
1625
1626
1627
1628
1629
1630
1631
1632
1633
1634
1635
1636
1637
1638
1639
1640
1641
1642
1643
1644
1645
1646
1647
1648
1649
1650
1651
1652
1653
1654
1655
1656
1657
1658
1659
1660
1661
1662
1663
1664
1665
1666
1667
1668
1669
1670
1671
1672
1673
1674
1675
1676
1677
1678
1679
1680
1681
1682
1683
1684
1685
1686
1687
1688
1689
1690
1691
1692
1693
1694
1695
1696
1697
1698
1699
1700
1701
1702
1703
1704
1705
1706
1707
1708
1709
1710
1711
1712
1713
1714
1715
1716
1717
1718
1719
1720
1721
1722
1723
1724
1725
1726
1727
1728
1729
1730
1731
1732
1733
1734
1735
1736
1737
1738
1739
1740
1741
1742
1743
1744
1745
1746
1747
1748
1749
1750
1751
1752
1753
1754
1755
1756
1757
1758
1759
1760
1761
1762
1763
1764
1765
1766
1767
1768
1769
1770
1771
1772
1773
1774
1775
1776
1777
1778
1779
1780
1781
1782
1783
1784
1785
1786
1787
1788
1789
1790
1791
1792
1793
1794
1795
1796
1797
1798
1799
1800
1801
1802
1803
1804
1805
1806
1807
1808
1809
1810
1811
1812
1813
1814
1815
1816
1817
1818
1819
1820
1821
1822
1823
1824
1825
1826
1827
1828
1829
1830
1831
1832
1833
1834
1835
1836
1837
1838
1839
1840
1841
1842
1843
1844
1845
1846
1847
1848
1849
1850
1851
1852
1853
1854
1855
1856
1857
1858
1859
1860
1861
1862
1863
1864
1865
1866
1867
1868
1869
1870
1871
1872
1873
1874
1875
1876
1877
1878
1879
1880
1881
1882
1883
1884
1885
1886
1887
1888
1889
1890
1891
1892
1893
1894
1895
1896
1897
1898
1899
1900
1901
1902
1903
1904
1905
1906
1907
1908
1909
1910
1911
1912
1913
1914
1915
1916
1917
1918
1919
1920
1921
1922
1923
1924
1925
1926
1927
1928
1929
1930
1931
1932
1933
1934
1935
1936
1937
1938
1939
1940
1941
1942
1943
1944
1945
1946
1947
1948
1949
1950
1951
1952
1953
1954
1955
1956
1957
1958
1959
1960
1961
1962
1963
1964
1965
1966
1967
1968
1969
1970
1971
1972
1973
1974
1975
1976
1977
1978
1979
1980
1981
1982
1983
1984
1985
1986
1987
1988
1989
1990
1991
1992
1993
1994
1995
1996
1997
1998
1999
2000
2001
2002
2003
2004
2005
2006
2007
2008
2009
2010
2011
2012
2013
2014
2015
2016
2017
2018
2019
2020
2021
2022
2023
2024
2025
2026
2027
2028
2029
2030
2031
2032
2033
2034
2035
2036
2037
2038
2039
2040
2041
2042
2043
2044
2045
2046
2047
2048
2049
2050
2051
2052
2053
2054
2055
2056
2057
2058
2059
2060
2061
2062
2063
2064
2065
2066
2067
2068
2069
2070
2071
2072
2073
2074
2075
2076
2077
2078
2079
2080
2081
2082
2083
2084
2085
2086
2087
2088
2089
2090
2091
2092
2093
2094
2095
2096
2097
2098
2099
2100
2101
2102
2103
2104
2105
2106
2107
2108
2109
2110
2111
2112
2113
2114
2115
2116
2117
2118
2119
2120
2121
2122
2123
2124
2125
2126
2127
2128
2129
2130
2131
2132
2133
2134
2135
2136
2137
2138
2139
2140
2141
2142
2143
2144
2145
2146
2147
2148
2149
2150
2151
2152
2153
2154
2155
2156
2157
2158
2159
2160
2161
2162
2163
2164
2165
2

<div>Page 2</div> <div> <p>1</p> <p>2 November 17, 2020</p> <p>3 11:46 a.m.</p> <p>4</p> <p>5 Remote deposition of DENNY</p> <p>6 FRISCOE, the witness herein, held</p> <p>7 remotely from New York, New York,</p> <p>8 pursuant to Notice, before Linda</p> <p>9 Salzman, a Notary Public of the</p> <p>10 State of New York.</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> </div>	<div>Page 3</div> <div> <p>1</p> <p>2 A P P E A R A N C E S:</p> <p>3</p> <p>4 POLLOCK COHEN</p> <p>5 Attorneys for Plaintiff Victoria Malone</p> <p>6 60 Broad Street</p> <p>7 New York, New York 10004</p> <p>8 BY: STEVE COHEN, ESQ.</p> <p>9</p> <p>10 WILSON ELSEER MOSKOWITZ EDELMAN & DICKER</p> <p>11 Attorneys for Defendants Town of</p> <p>12 Clarkstown, Tucker Connington, and</p> <p>13 David Salvo</p> <p>14 1133 Westchester Avenue</p> <p>15 White Plains, New York 10604</p> <p>16 BY: ELIZA SCHEIBEL, ESQ.</p> <p>17</p> <p>18 LAWRENCE A. GARVEY & ASSOCIATES</p> <p>19 Attorneys for the Defendant Frank DiZeno</p> <p>20 235 Main Street</p> <p>21 White Plains, New York 10601</p> <p>22 BY: BRITTANY CORDERO, ESQ.</p> <p>23 LAWRENCE GARVEY, ESQ.</p> <p>24</p> <p>25</p> </div>
<div>Page 4</div> <div> <p>1</p> <p>2 A P P E A R A N C E S (continued):</p> <p>3</p> <p>4 McDERMOTT & McDERMOTT ATTORNEYS AT LAW</p> <p>5 Attorneys for Defendant Robert Klein</p> <p>6 293 Route 100</p> <p>7 Somers, New York 10589</p> <p>8 BY: MICHAEL McDERMOTT, ESQ.</p> <p>9</p> <p>10</p> <p>11 LYONS McGOVERN</p> <p>12 Attorneys for Defendant Brian Lillo</p> <p>13 399 Knollwood Road</p> <p>14 White Plains, New York 10603</p> <p>15 BY: LISA FANTINO, ESQ.</p> <p>16</p> <p>17</p> <p>18 DARREN JAY EPSTEIN ATTORNEY AT LAW</p> <p>19 Attorney for Witnesses Dominic Santulli,</p> <p>20 John Luther, and Denny Friscoe</p> <p>21 254 South Main Street</p> <p>22 New City, New York 10956</p> <p>23 BY: DARREN EPSTEIN, ESQ</p> <p>24</p> <p>25</p> </div>	<div>Page 5</div> <div> <p>1</p> <p>2 A P P E A R A N C E S (continued):</p> <p>3</p> <p>4 ALSO PRESENT:</p> <p>5 Helen He, Intern for Pollock Cohen</p> <p>6 Leslie Kahn, Town Attorney, Town of Clarkstown</p> <p>7 Charles Connington, Town of Clarkstown</p> <p>8 Highway Department</p> <p>9 Frank DiZeno, Clarkstown Highway</p> <p>10 Superintendent</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> </div>

<p style="text-align: right;">Page 22</p> <p>1 D. Friscoe</p> <p>2 in paper?</p> <p>3 A. Yes.</p> <p>4 MR. COHEN: Okay. So Helen, can</p> <p>5 you take it off the screen, please?</p> <p>6 I may have jumped too soon.</p> <p>7 Does anybody else need it up on the</p> <p>8 screen before we go through it?</p> <p>9 MS. FANTINO: I'm looking at it</p> <p>10 in Dropbox.</p> <p>11 Q. Mr. Friscoe, do me a favor.</p> <p>12 A. Yeah.</p> <p>13 Q. Please read paragraph 22 to</p> <p>14 yourself, and then we're going to go</p> <p>15 through it. But just get a sense of what</p> <p>16 it is.</p> <p>17 Okay?</p> <p>18 A. Okay.</p> <p>19 Q. So let's start right at the</p> <p>20 first sentence.</p> <p>21 Would you agree from what you</p> <p>22 saw and knew about the Highway Department,</p> <p>23 that, "Throughout her employment with the</p> <p>24 Department, Ms. Malone was regularly</p> <p>25 subjected to sexual and gender-based</p>	<p style="text-align: right;">Page 23</p> <p>1 D. Friscoe</p> <p>2 harassment by her peers and supervisors"?</p> <p>3 MR. McDERMOTT: Objection.</p> <p>4 MS. SCHEIBEL: Objection.</p> <p>5 Q. You may answer.</p> <p>6 A. Yes.</p> <p>7 Q. So do you say that? By whom --</p> <p>8 I'm sorry. Go ahead.</p> <p>9 A. No, go ahead. Finish the</p> <p>10 question.</p> <p>11 Q. By whom was she subjected to</p> <p>12 sexual and gender-based harassment?</p> <p>13 MR. McDERMOTT: Objection.</p> <p>14 MS. SCHEIBEL: Objection.</p> <p>15 A. It's just, you put -- it's kind</p> <p>16 of -- when you're the only female in a</p> <p>17 room full of -- in an environment full of</p> <p>18 men, you know, people -- guys tend to</p> <p>19 forget themselves a little bit.</p> <p>20 Q. In what way?</p> <p>21 A. Like I said, you start</p> <p>22 forgetting that she's a woman, you know.</p> <p>23 Q. Okay. When did you see these</p> <p>24 things happening? Was it one time? Five</p> <p>25 times? A hundred times?</p>
<p style="text-align: right;">Page 24</p> <p>1 D. Friscoe</p> <p>2 MS. SCHEIBEL: Objection.</p> <p>3 A. I can't put a number on it,</p> <p>4 really. It was just -- you know, it would</p> <p>5 happen occasionally, we'll call it.</p> <p>6 Q. Okay. And in terms of time, did</p> <p>7 it happen 16 years ago, 10 years ago, 5</p> <p>8 years ago, all the above?</p> <p>9 A. No, it was consistent, I guess.</p> <p>10 Q. Okay. Second sentence here,</p> <p>11 would you agree from what you saw and knew</p> <p>12 about the Highway Department that, "The</p> <p>13 Department tolerated and encouraged a</p> <p>14 toxic atmosphere in which male employees</p> <p>15 constantly made disgusting and degrading</p> <p>16 sexual comments in front of Ms. Malone and</p> <p>17 within earshot of supervisory employees"?</p> <p>18 MS. SCHEIBEL: Objection.</p> <p>19 MR. McDERMOTT: Objection.</p> <p>20 A. Yeah, comments were made. I</p> <p>21 can't tell if they were made it front of</p> <p>22 supervisory employees, though.</p> <p>23 Q. Okay.</p> <p>24 A. I can't say that for sure.</p> <p>25 Comments were made, yes.</p>	<p style="text-align: right;">Page 25</p> <p>1 D. Friscoe</p> <p>2 Q. Comments were made, but you</p> <p>3 don't know if any supervisory employees --</p> <p>4 A. I can't tell you for sure if</p> <p>5 that's the case.</p> <p>6 Q. Do you know who encouraged a</p> <p>7 toxic environment atmosphere?</p> <p>8 MS. SCHEIBEL: Objection.</p> <p>9 MR. McDERMOTT: Objection.</p> <p>10 A. You know, I guess we all did in</p> <p>11 a way, you know, by not stopping it.</p> <p>12 Q. Interesting. Okay. When did</p> <p>13 this occur, I mean this toxic atmosphere?</p> <p>14 Does it go back 16 years, 10</p> <p>15 years, 5 years, to the present?</p> <p>16 MS. SCHEIBEL: Objection.</p> <p>17 A. I would say it would go in</p> <p>18 waves where it would be, you know,</p> <p>19 sometimes everything would be fine, but</p> <p>20 then, you know, it would change.</p> <p>21 Q. Okay. Third line is, would you</p> <p>22 agree what you saw and knew about the</p> <p>23 Highway Department that, "Many of these</p> <p>24 comments were made or condoned by</p> <p>25 supervisors and/or intentionally made it</p>

Page 26

1 D. Friscoe
2 Ms. Malone's presence"?
3 MS. SCHEIBEL: Objection.
4 MS. CORDERO: Objection.
5 MR. McDERMOTT: Objection.
6 You're muted. No one can hear
7 you.
8 MR. COHEN: Darren is muted.
9 A. He was just telling me the rules
10 about that after he asks a question,
11 everyone objects, then I answer. That was
12 it.
13 Q. So let me break the question
14 into two parts. Okay?
15 So the first part is, did you
16 see comments made in Ms. Malone's
17 presence, sexual comments?
18 A. Yeah.
19 Q. Didn't hear you, though.
20 A. Yes.
21 Q. Who made such comments?
22 A. I don't want to -- I mean, there
23 was the -- it was a climate of it. It
24 was, you know, whoever was -- you know, I
25 can't say who did it on certain days, but

Page 28

1 D. Friscoe
2 A. No, I can't. I don't know.
3 Q. By the way, would you consider
4 such comment appropriate workplace
5 behavior?
6 A. No.
7 Q. Why not?
8 A. Well, it's disrespectful, but it
9 doesn't mean it doesn't happen.
10 Q. Okay. Next bullet.
11 Did you ever see or hear about,
12 "A male employee claimed to be getting
13 lots of blow jobs and engaging in anal sex
14 with his girlfriend when she had her
15 period. Other male employees joked that
16 the girlfriend was transsexual and asked
17 whether the employee tried to
18 'reach-around'"?
19 Did you ever hear that?
20 A. No.
21 Q. Okay. Let's go to paragraph 23.
22 Read that to yourself for a second.
23 A. Okay.
24 Q. Would you agree that the sexual
25 comments were unwelcome and made

Page 27

1 D. Friscoe
2 it was prevalent.
3 Q. Prevalent. Okay.
4 Did you hear comments made in
5 front of -- were any of these comments
6 made it front of supervisors?
7 A. I can't say for sure if they
8 were or not.
9 Q. Okay. Let's go to the next
10 page. I want to go to the second bullet
11 point.
12 Did you ever see or hear about,
13 "Male employees call David Salvo, an
14 employee who was teased for kissing up to
15 supervisors, David swallow" --
16 MS. SCHEIBEL: Objection.
17 Q. -- "suggesting that he gave oral
18 sex to supervisors"?
19 Did you ever hear of that?
20 A. Yes.
21 Q. When did this happen, any idea?
22 A. No, that was just a nickname
23 that people gave him.
24 Q. Okay. You remember who was
25 involved at all?

Page 29

1 D. Friscoe
2 Ms. Malone uncomfortable?
3 MR. McDERMOTT: Objection.
4 MS. SCHEIBEL: Objection.
5 MS. CORDERO: Objection.
6 A. Yes.
7 Q. And why do you say that?
8 A. Because why wouldn't they make
9 her uncomfortable.
10 Q. Did you see her be
11 uncomfortable?
12 MR. McDERMOTT: Objection.
13 MS. CORDERO: Objection.
14 A. I'm sorry. What was the
15 question again?
16 Q. Did you see these comments being
17 made in Ms. Malone's presence?
18 A. Yeah.
19 Q. And did you see her reaction?
20 A. I don't remember her reaction,
21 to tell you the truth.
22 Q. Did she ever tell you she was
23 uncomfortable?
24 A. Yes.
25 Q. How often?

<p style="text-align: right;">Page 34</p> <p>1 D. Friscoe</p> <p>2 her being hired?</p> <p>3 A. No.</p> <p>4 Q. Did you ever hear Mr. Ballard</p> <p>5 berate Ms. Malone?</p> <p>6 A. No.</p> <p>7 Q. Did you ever see Mr. Ballard</p> <p>8 assign Ms. Malone administrative tasks?</p> <p>9 A. No, I don't remember.</p> <p>10 Q. Did you ever see Mr. Ballard</p> <p>11 assign Ms. Malone cleaning tasks?</p> <p>12 A. Yeah, I believe he did. Yes, I</p> <p>13 do remember that.</p> <p>14 Q. To your knowledge, was that an</p> <p>15 appropriate assignment for Ms. Malone?</p> <p>16 A. I don't know. To me, if they</p> <p>17 asked me to do something, I'm a company</p> <p>18 guy, I'll do it, so I don't know.</p> <p>19 Q. Did Ms. Malone's job include</p> <p>20 cleaning the barn?</p> <p>21 A. No.</p> <p>22 Q. So if she were told to clean the</p> <p>23 barn, would that have been inappropriate,</p> <p>24 given her job title?</p> <p>25 MS. SCHEIBEL: Objection.</p>	<p style="text-align: right;">Page 35</p> <p>1 D. Friscoe</p> <p>2 A. I wouldn't say it would be</p> <p>3 inappropriate, but it's definitely -- it's</p> <p>4 not a detail where you're normally</p> <p>5 assigned.</p> <p>6 Q. Would it have been a form of</p> <p>7 harassment?</p> <p>8 MS. SCHEIBEL: Objection.</p> <p>9 A. I don't know. That's not for me</p> <p>10 to decide.</p> <p>11 Q. Punishment?</p> <p>12 A. Yeah, possibly.</p> <p>13 Q. Petty?</p> <p>14 A. Sure.</p> <p>15 Q. Any other words you might</p> <p>16 describe it?</p> <p>17 A. No.</p> <p>18 Q. Okay. Did you ever see Mr.</p> <p>19 Ballard stalk Ms. Malone?</p> <p>20 A. No.</p> <p>21 Q. Okay. Did you ever see or hear</p> <p>22 Ms. Malone being harassed by any other</p> <p>23 co-workers?</p> <p>24 MR. McDERMOTT: Objection.</p> <p>25 MS. SCHEIBEL: Objection.</p>
<p style="text-align: right;">Page 36</p> <p>1 D. Friscoe</p> <p>2 A. I don't know. I don't know.</p> <p>3 You'd have to -- yeah, I don't know.</p> <p>4 Q. Okay. We'll come back to some</p> <p>5 specifics later on.</p> <p>6 Did Tori ever complain to you of</p> <p>7 being harassed by anyone?</p> <p>8 MR. McDERMOTT: Objection.</p> <p>9 MS. FANTINO: Objection.</p> <p>10 A. I don't remember.</p> <p>11 Q. Did she ever complain to you</p> <p>12 about Mr. Ballard stalking her?</p> <p>13 A. Yes, I remember her bringing</p> <p>14 that up.</p> <p>15 Q. What do you remember her saying</p> <p>16 to you?</p> <p>17 A. I don't remember much about it.</p> <p>18 I just remember her saying -- I guess it</p> <p>19 was around the election time. I honestly</p> <p>20 forget the details about it, but I do</p> <p>21 remember her mentioning it.</p> <p>22 Q. Okay. Did you ever see</p> <p>23 Ms. Malone subjected to comments about</p> <p>24 sex, comments in her presence about sex?</p> <p>25 MR. McDERMOTT: Objection.</p>	<p style="text-align: right;">Page 37</p> <p>1 D. Friscoe</p> <p>2 MS. SCHEIBEL: Objection.</p> <p>3 A. Yes.</p> <p>4 Q. Who made such comments?</p> <p>5 MR. McDERMOTT: Objection.</p> <p>6 A. It was pretty common, so...</p> <p>7 Q. How often?</p> <p>8 A. I don't know. I don't know</p> <p>9 specifics.</p> <p>10 Q. You don't remember any details</p> <p>11 at all?</p> <p>12 A. Not off the top of my head, no.</p> <p>13 Q. Okay. Were any of the</p> <p>14 supervisors aware of the sexual comments</p> <p>15 or gestures that were being made to</p> <p>16 Ms. Malone?</p> <p>17 MR. McDERMOTT: Objection.</p> <p>18 MS. SCHEIBEL: Objection.</p> <p>19 A. I don't know.</p> <p>20 Q. Let's move on to paragraph 26.</p> <p>21 Why don't you read that to yourself.</p> <p>22 A. Okay.</p> <p>23 Q. By the way, to your knowledge,</p> <p>24 does the Town have a sexual harassment</p> <p>25 policy?</p>

<p style="text-align: right;">Page 46</p> <p>1 D. Friscoe</p> <p>2 Q. Did you know Frank DiZenzo?</p> <p>3 A. I did, yes.</p> <p>4 Q. In what capacity?</p> <p>5 A. He was -- we were in the crew</p> <p>6 together, as well as friends outside of</p> <p>7 work, and then he later became the</p> <p>8 superintendent.</p> <p>9 Q. Did you ever see or hear</p> <p>10 Mr. DiZenzo ask Ms. Malone if she needed a</p> <p>11 place to sit?</p> <p>12 MS. CORDERO: Objection.</p> <p>13 A. No.</p> <p>14 Q. Did you ever see or hear Mr.</p> <p>15 DiZenzo wipe his mouth tilt his head back</p> <p>16 and stick out his tongue?</p> <p>17 MS. CORDERO: Objection.</p> <p>18 A. No.</p> <p>19 Q. Did you ever see or hear Mr.</p> <p>20 DiZenzo invite Ms. Malone to urinate in</p> <p>21 his hands?</p> <p>22 MS. CORDERO: Objection.</p> <p>23 A. No.</p> <p>24 Q. Okay. Did you ever see or hear</p> <p>25 Mr. DiZenzo say anything to Ms. Malone of</p>	<p style="text-align: right;">Page 47</p> <p>1 D. Friscoe</p> <p>2 a sexual nature?</p> <p>3 MS. CORDERO: Objection.</p> <p>4 MS. SCHEIBEL: Objection.</p> <p>5 A. Yes.</p> <p>6 Q. What did you hear?</p> <p>7 A. I don't remember. We were in</p> <p>8 the same crew for almost a year, so...</p> <p>9 Q. Did it happen once?</p> <p>10 A. Yes.</p> <p>11 Q. Did it happen more than once?</p> <p>12 A. I don't know.</p> <p>13 Q. Okay. Did you ever see him make</p> <p>14 any sexual gestures in her presence?</p> <p>15 MS. CORDERO: Objection.</p> <p>16 MS. SCHEIBEL: Objection.</p> <p>17 A. I will say that's the only -- as</p> <p>18 far as that paragraph goes, the only thing</p> <p>19 that I can say that I absolutely remember</p> <p>20 is the pulling the pants aside to see her</p> <p>21 underwear.</p> <p>22 Q. Tell me about that.</p> <p>23 A. I can't remember where we were,</p> <p>24 but we were -- I believe she was loading</p> <p>25 block into the back of the truck, the dump</p>
<p style="text-align: right;">Page 48</p> <p>1 D. Friscoe</p> <p>2 truck, and that's when did he it.</p> <p>3 Q. What did he do?</p> <p>4 A. He pulled her pants aside to see</p> <p>5 her underwear.</p> <p>6 Q. Did he say anything?</p> <p>7 A. I don't remember.</p> <p>8 MS. CORDERO: Objection.</p> <p>9 Q. Did she say anything?</p> <p>10 MS. CORDERO: Objection.</p> <p>11 A. I don't remember.</p> <p>12 Q. Did anybody else see it?</p> <p>13 MS. CORDERO: Objection.</p> <p>14 A. I don't know.</p> <p>15 Q. Did anybody laugh when it</p> <p>16 happened?</p> <p>17 MS. CORDERO: Objection.</p> <p>18 A. I don't remember.</p> <p>19 Q. Were you surprised by that</p> <p>20 action?</p> <p>21 MS. CORDERO: Objection.</p> <p>22 MS. SCHEIBEL: Objection.</p> <p>23 A. Yes.</p> <p>24 Q. Why?</p> <p>25 A. Because it was inappropriate.</p>	<p style="text-align: right;">Page 49</p> <p>1 D. Friscoe</p> <p>2 Q. It wasn't workplace appropriate</p> <p>3 behavior?</p> <p>4 MS. CORDERO: Objection.</p> <p>5 A. No.</p> <p>6 Q. Had it happened before?</p> <p>7 MS. CORDERO: Objection.</p> <p>8 A. Not that I know of.</p> <p>9 Q. Had anything like it happened</p> <p>10 before?</p> <p>11 MS. SCHEIBEL: Objection.</p> <p>12 MS. CORDERO: Objection.</p> <p>13 A. I don't know.</p> <p>14 Q. Let's jump down to paragraph 34,</p> <p>15 if you would, and read that to yourself.</p> <p>16 Okay?</p> <p>17 MS. CORDERO: I'm sorry, Steve.</p> <p>18 Just while we're waiting, Linda</p> <p>19 can you just clarify, because I've</p> <p>20 been objecting a lot and my screen is</p> <p>21 not lighting up, and I just want to</p> <p>22 make sure that you have record of my</p> <p>23 objections.</p> <p>24 A. Okay.</p> <p>25 Q. Did you ever see Highway</p>

Page 50

1 D. Friscoe

2 Department employees urinate in the

3 presence of Ms. Malone?

4 MR. McDERMOTT: Objection.

5 MS. CORDERO: Objection.

6 MS. SCHEIBEL: Objection.

7 A. Yes.

8 Q. Who was that? Who did that?

9 A. It's common to, you know, be on

10 the road to do it. I wouldn't say we were

11 doing it in front of her. You know, you

12 would -- it wasn't like -- it was just --

13 you would just do it on the side of the

14 road.

15 Q. In her vicinity?

16 MR. McDERMOTT: Objection.

17 A. I don't know. Describe

18 vicinity. I don't know, within 20 feet?

19 Sure.

20 Q. I'm sorry. I cut you off. I

21 apologize.

22 A. Within 20 feet, sure.

23 Q. Within ten feet?

24 A. Maybe.

25 Q. Five feet?

Page 52

1 D. Friscoe

2 gave it to her.

3 Q. How are you aware that

4 Mr. DiZenzo gave to her?

5 MS. CORDERO: Objection.

6 A. She told me.

7 Q. Do you remember when it

8 happened?

9 A. No.

10 Q. Do you remember the context in

11 which it happened, where?

12 MS. CORDERO: Objection.

13 A. No.

14 Q. What was your reaction when you

15 found out that Mr. DiZenzo had given

16 Ms. Malone a Go Girl?

17 MS. CORDERO: Objection.

18 A. I don't remember.

19 Q. Did anyone at the Highway

20 Department talk about it?

21 MS. CORDERO: Objection.

22 A. I don't remember.

23 Q. Did anybody joke about it?

24 MS. CORDERO: Objection.

25 A. I don't remember.

Page 51

1 D. Friscoe

2 A. No.

3 Q. Is a workplace appropriate

4 behavior to urinate front of a woman?

5 MR. McDERMOTT: Objection.

6 MS. SCHEIBEL: Objection.

7 A. No.

8 Q. People did it anyway?

9 MS. SCHEIBEL: Objection.

10 MR. McDERMOTT: Objection.

11 Q. Yeah, Mr. Friscoe, I'll ask the

12 question again.

13 But people did it anyway?

14 MR. McDERMOTT: Objection.

15 MS. SCHEIBEL: Objection.

16 A. Yes.

17 Q. Mr. Friscoe, do you know what a

18 Go Girl is?

19 A. Yes.

20 Q. Have you ever seen one?

21 A. Yes.

22 Q. Where?

23 A. I forget if she showed me the

24 actual one or a picture of it, but I

25 remember Tori showing me when Mr. DiZenzo

Page 53

1 D. Friscoe

2 Q. Did you ever say anything to

3 Mr. DiZenzo about giving her a Go Girl?

4 MS. CORDERO: Objection.

5 A. No.

6 Q. Did he ever say anything to you

7 about it?

8 MS. CORDERO: Objection.

9 A. No.

10 Q. And you didn't hear any talk

11 about it in the Highway Department?

12 MS. CORDERO: Objection.

13 A. I don't remember.

14 Q. Do you think it was appropriate

15 workplace behavior for Mr. DiZenzo to give

16 Tori a Go Girl?

17 MS. CORDERO: Objection.

18 MS. SCHEIBEL: Objection.

19 A. No.

20 Q. Why is that?

21 A. Rude.

22 Q. Take a look at paragraph 40, if

23 you would. Okay. Four-zero. Read that

24 to yourself.

25 A. Okay.

Page 54

1 D. Friscoe
2 Q. Do you know who Tucker
3 Connington is?
4 A. Yes.
5 Q. Is he your boss currently?
6 A. Yes.
7 Q. He is. Okay. And he knows
8 you're testifying here today because he's
9 actually on the call, correct?
10 A. I guess.
11 Q. Did you know he was on the call?
12 A. No.
13 Q. Has he ever said anything to you
14 about your testimony in this case?
15 A. No.
16 Q. Has he ever talked to you about
17 this case at all?
18 A. No.
19 Q. Did you ever see or hear
20 Mr. Connington say anything about
21 Ms. Malone filing a lawsuit?
22 MS. SCHEIBEL: Objection.
23 A. No.
24 Q. Did you ever hear him saying
25 anything about her filing a grievance?

Page 56

1 D. Friscoe
2 mean to write a truck up?
3 A. You write it up for -- every day
4 we have to do a truck sheet to write down
5 if there's anything wrong with the truck,
6 make sure you check the oil, the fluids,
7 and stuff, and if there's something wrong
8 with it, you would write it up.
9 Q. It was potentially unsafe when
10 you write it up?
11 MS. SCHEIBEL: Objection.
12 A. Yes.
13 Q. Okay. Did you know Tori's
14 write-up included anything about the
15 potential safety of the truck?
16 A. I believe it did.
17 Q. Did she say anything to you
18 about not wanting to use that particular
19 truck that day?
20 MS. SCHEIBEL: Objection.
21 A. Yes.
22 Q. What did she say, if you
23 remember?
24 A. She said, I don't want to drive
25 that thing. It's dangerous.

Page 55

1 D. Friscoe
2 MS. SCHEIBEL: Objection.
3 A. No.
4 Q. Did you ever hear Mr. Connington
5 say anything at all about Ms. Malone?
6 MS. SCHEIBEL: Objection.
7 A. I don't remember.
8 Q. Did you ever witness Mr.
9 Connington become verbally abusive to
10 Ms. Malone?
11 MS. SCHEIBEL: Objection.
12 A. The incident in question, I
13 was -- Tori and I were actually assigned
14 to the same crew that day, and she was
15 told to drive a roll-off that she had
16 apparently written up the day before.
17 And so when she was assigned
18 that, she said I'm not taking that truck.
19 Tucker was like why. And she said I wrote
20 it up. He said I didn't know that. And
21 then it was a big thing. Well, I'm not
22 going to drive it. And I said, I'll just
23 take the thing because I just wanted to
24 get out of there.
25 Q. Okay. So tell me what does it

Page 57

1 D. Friscoe
2 Q. It's dangerous.
3 A. Yes.
4 Q. Did anybody else hear her say
5 it's dangerous?
6 MS. SCHEIBEL: Objection.
7 A. I don't know.
8 Q. Who was the supervisor that
9 day -- the foreman -- I apologize.
10 Withdrawn.
11 Who was the foreman that day; do
12 you remember?
13 A. I believe it was Brian Lillo.
14 Q. Okay. Did Mr. Lillo say
15 anything?
16 A. No.
17 Q. Is it a supervisor's
18 responsibility to do something when
19 someone says they don't want to
20 write-up -- drive a truck?
21 MS. SCHEIBEL: Objection.
22 A. I believe so.
23 Q. What are they supposed to do?
24 MS. SCHEIBEL: Objection.
25 A. Inform one of the deputies,

<p style="text-align: right;">Page 106</p> <p>1 D. Friscoe</p> <p>2 identification, as of this date.)</p> <p>3 Q. You say, "I figured you needed</p> <p>4 someone to say nice things."</p> <p>5 Do you remember what the context</p> <p>6 of what you were saying to her at that</p> <p>7 point in time?</p> <p>8 A. I had a conversation with a</p> <p>9 friend of ours at the Highway Department</p> <p>10 about her, and he was very complimentary</p> <p>11 about Tori, so I just wanted to reiterate</p> <p>12 that to her.</p> <p>13 Q. Okay. Let's go to the next</p> <p>14 page, which is Malone 02497. Let's start</p> <p>15 with -- tell me what's going on here. I'm</p> <p>16 sorry. Go ahead, 26.</p> <p>17 A. Looks like she had gotten</p> <p>18 switched out of her crew to be put on a</p> <p>19 different detail; and that seems to be</p> <p>20 what's happening.</p> <p>21 Q. And you say, "That's such</p> <p>22 bullshit."</p> <p>23 A. Yes.</p> <p>24 Q. What do you mean by that?</p> <p>25 What's such bullshit?</p>	<p style="text-align: right;">Page 107</p> <p>1 D. Friscoe</p> <p>2 A. That she was being moved out of</p> <p>3 her crew.</p> <p>4 Q. Was that unfair?</p> <p>5 A. I believe at the time I thought</p> <p>6 so, yes.</p> <p>7 Q. Why did you think it was unfair?</p> <p>8 MR. McDERMOTT: Bates, please?</p> <p>9 MR. COHEN: We're on Bates</p> <p>10 Malone 2497.</p> <p>11 MR. McDERMOTT: Yeah, but can</p> <p>12 you state the dates of these text</p> <p>13 messages because, otherwise, they're</p> <p>14 taken in a vacuum.</p> <p>15 MR. COHEN: Okay. It looks like</p> <p>16 on the page above it's 3/5/18.</p> <p>17 MR. McDERMOTT: These are his</p> <p>18 text messages.</p> <p>19 Q. These are text messages between</p> <p>20 you, Mr. Friscoe, and Tori?</p> <p>21 A. Yes.</p> <p>22 Q. And it seems to be on the 5th of</p> <p>23 March of 2018, correct?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. So going down the text</p>
<p style="text-align: right;">Page 108</p> <p>1 D. Friscoe</p> <p>2 message line, after you say, "That's such</p> <p>3 bullshit." She says to you, "I can't deal</p> <p>4 with this today."</p> <p>5 And then what do you say?</p> <p>6 A. I said, "I'm so sorry this</p> <p>7 bullshit always falls on you."</p> <p>8 Q. What do you mean by that?</p> <p>9 A. I honestly don't remember.</p> <p>10 Q. Okay. "Always falling on you"</p> <p>11 doesn't ring a bell of what you meant?</p> <p>12 A. No. No.</p> <p>13 Q. A little further down the page,</p> <p>14 she says, "He's a fucking child."</p> <p>15 Do we know who she's referring</p> <p>16 to? Did you know who she's referring to?</p> <p>17 A. No, I don't see where -- I don't</p> <p>18 remember.</p> <p>19 Q. And your response to her,</p> <p>20 though, is what?</p> <p>21 A. "Fuck this place. You don't</p> <p>22 deserve it."</p> <p>23 Q. Yes. What were you referring</p> <p>24 to?</p> <p>25 A. I think it was just she</p>	<p style="text-align: right;">Page 109</p> <p>1 D. Friscoe</p> <p>2 should -- that it's not right that she</p> <p>3 always gets the short end of the stick on</p> <p>4 the job.</p> <p>5 Q. And did you agree she always</p> <p>6 gets the short end of the stick on the</p> <p>7 job?</p> <p>8 A. As far as crew went, yeah.</p> <p>9 Q. Which crew?</p> <p>10 A. The tree crew, I believe.</p> <p>11 Q. Which was run by Mr. Klein?</p> <p>12 A. Yes.</p> <p>13 Q. And what did you mean by she</p> <p>14 always gets the short end of the stick?</p> <p>15 A. It was just it was easier to</p> <p>16 move her than to move somebody else out of</p> <p>17 the crew.</p> <p>18 Q. In what way?</p> <p>19 A. That was what I meant. It was</p> <p>20 just why -- why should she get moved</p> <p>21 when -- you know, why does it fall on her</p> <p>22 to be her problem, as opposed to other</p> <p>23 people.</p> <p>24 Q. So someone was preferring others</p> <p>25 in the crew, treating them differently?</p>

Page 126

1 D. Friscoe

2 A. Yes, sir.

3 Q. Would you want her to work

4 there?

5 A. No.

6 MS. SCHEIBEL: Objection.

7 MR. McDERMOTT: Objection.

8 Q. But your answer was?

9 A. No, I would not want my daughter

10 to work there. No.

11 Q. Why is that?

12 A. I would not want my daughter

13 working around 85 men all day.

14 Q. Did you think that Tori had to

15 endure offensive conduct?

16 MS. SCHEIBEL: Objection.

17 MR. McDERMOTT: Objection.

18 A. Yes.

19 Q. Of a sexual nature?

20 MR. McDERMOTT: Objection.

21 MS. SCHEIBEL: Objection.

22 A. Sometimes.

23 Q. Did you ever think that conduct

24 was severe?

25 MS. SCHEIBEL: Objection.

Page 128

1 D. Friscoe

2 MS. SCHEIBEL: Objection.

3 A. I don't know.

4 Q. Did he encourage it?

5 MS. SCHEIBEL: Objection.

6 A. I don't think so.

7 Q. Did he contribute to it?

8 MS. SCHEIBEL: Objection.

9 A. I don't know.

10 Q. Did Frank DiZenzo allow a

11 hostile work environment to continue while

12 he was superintendent?

13 MS. SCHEIBEL: Objection.

14 A. He definitely didn't help it.

15 Q. Did he encourage it?

16 MS. SCHEIBEL: Objection.

17 A. I don't know if he encouraged

18 it.

19 Q. Did he contribute to it?

20 MS. SCHEIBEL: Objection.

21 A. Just the incidents that I

22 described, yeah.

23 Q. Including the Go Girl?

24 A. Yes, that's what I mean.

25 Q. Did Tucker Connington allow the

Page 127

1 D. Friscoe

2 MR. McDERMOTT: Objection.

3 A. Yes.

4 Q. Pervasive?

5 MS. SCHEIBEL: Objection.

6 A. Yes.

7 Q. Intimidating?

8 MR. McDERMOTT: Objection.

9 MS. SCHEIBEL: Objection.

10 A. I can't say that, no.

11 Q. Abusive?

12 MS. SCHEIBEL: Objection.

13 A. Yes.

14 Q. Threatening?

15 MS. SCHEIBEL: Objection.

16 MR. McDERMOTT: Objection.

17 A. No.

18 Q. Do you think Tori was

19 discriminated against because of her sex?

20 MR. McDERMOTT: Objection.

21 MS. SCHEIBEL: Objection.

22 A. I can't say that. I don't know.

23 Q. Okay. Do you think Wayne

24 Ballard allowed a hostile work environment

25 to continue when he was superintendent?

Page 129

1 D. Friscoe

2 hostile work environment to continue while

3 he was deputy?

4 MS. SCHEIBEL: Objection.

5 A. I don't think so.

6 Q. Did he encourage it?

7 MS. SCHEIBEL: Objection.

8 A. No.

9 Q. Did he contribute to it?

10 MS. SCHEIBEL: Objection.

11 A. Not that I know of.

12 Q. Okay. Do you think

13 accumulatively over time that the

14 individual slights, slurs, comments,

15 gestures towards Tori added up to a

16 hostile work environment?

17 MR. McDERMOTT: Objection.

18 MS. SCHEIBEL: Objection.

19 A. You could say that sure.

20 Q. A serious situation?

21 MS. SCHEIBEL: Objection.

22 A. I'm sorry?

23 Q. Did you think it was a serious

24 situation for Tori?

25 MR. McDERMOTT: Objection.